

(2014) 01 GAU CK 0016
In the Gauhati High Court
Case No : WP (C) No. 3190 of 2006

Shri Basanta Prasad Nunia

APPELLANT

Vs

The Union of India

RESPONDENT

Date of Decision : 23-01-2014

Acts Referred:

Citation : (2014) 01 GAU CK 0016

Hon'ble Judges : Hrishikesh Roy, J

Bench : Single Bench

Advocate : A. Choudhury, Ms. D.R. Deka, Mr. F.K.R. Ahmed and Mr. S. Islam, for the Appellant; R. Bora, CGC for the Respondents No. 2, for the Respondent

Final Decision : Dismissed

Judgement

Hrishikesh Roy, J.—Heard Mr. A. Choudhury, the learned Counsel for the petitioner. The respondents are represented by Ms. R. Bora, the learned Central Government Counsel. The petitioner offered his candidature for the post of Constable (GD) in the CRPF by responding to the advertisement issued by the Inspector General of Police, CRPF, Guwahati and after his candidature was evaluated by the Selection Board, the petitioner was offered appointment through the letter dated 4.4.2006 (Annexure-D) issued by the Addl. D.I.G., CRPF. However despite the offer of appointment, the petitioner was not allowed to join service and accordingly the aggrieved candidate is before the Court.

2. The petitioner's height is 165.5 c.ms. and the issue here is whether he is entitled to relaxation of the height requirement, meant for Hill area/Tribal candidates which prescribes a lower height standard of 165 c.ms. instead of the required height of 170 c.ms.

3. The petitioner contends that he offered his candidature with all supporting documents certifying him to be a person belonging to More Other Backward Community (MOBC) of Hailakandi district of Assam and accordingly it is argued that since the petitioner was given the offer of appointment even after recording

his height as 165.5 c.ms in the recruitment process, the offer should be honoured and the petitioner should be appointed as a Constable (GD) of CRPF.

4. The respondents however contend that the petitioner belongs to the Tea Garden Labour community and is a permanent resident of Assam and he can't be considered to be a candidate from the Hill area/or Tribal, for whom relaxation of height criterion is permissible. Since all candidates are required to possess the minimum height of 170 c.ms. and as the candidate does not satisfy the enlistment standard, he can't expect to be appointed as a CRPF Constable.

5. Height relaxation for certain category of candidates is envisaged and for ready reference pre-condition for the relaxed specification are extracted hereinbelow:

Relaxation:

i)

ii) The minimum height for Candidates belonging to hill areas of Garhawal, Kumaon, Himachal Pradesh, Gorkhas, Marathas, Sikkimlos, Leh & Ladakh, Kashmir Valley and North Eastern States will be 165 Cms. The minimum height for tribal will be 162.5 Cms. Candidates belonging to hill/tribal must produce a valid Certificate from a revenue authority of the area not below the rank of Tehsildar.

iii)

6. As can be seen from the specification indicated in the advertisement, all Hill/Tribal candidates must produce a valid certificate from a Revenue authority of the concerned area in support of their candidature. Moreover, the offer of appointment of the selected candidates is subject to verification of their testimonials at the time of reporting.

7. The present candidate belongs to the Tea Community of Assam and he produced a MOBC Certificate in support of his candidature. Be he is neither a candidate from the Hill region nor he is a Tribal candidate, who are entitled to relaxation of the height requirement from the stipulated 170 Cms. for all general category candidates.

8. In the above circumstances, I am of the view that mere offer of appointment doesn't confer any enforceable right on the petitioner to be appointed as a CRPF (GD) Constable as the offer is subject to his satisfaction of the eligibility standard. When the minimum height for general candidate is prescribed as 170 Cms. and the petitioner is not a Hill/Tribal candidate and is therefore a general category candidate, he doesn't meet the enlistment standard laid down under the CRPF Rules. Therefore I am of the view that no relief can be granted to the petitioner. With the above declaration, the case is dismissed without any order on cost.